

104TH CONGRESS  
2D SESSION

# H. R. 3885

To amend section 552 of title 5, United States Code, commonly known as the Freedom of Information Act, to provide for greater efficiency in providing public access to information and to provide for public access to information in an electronic format.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1996

Mrs. MALONEY (for herself, Mr. HORN, and Mr. TATE) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

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## A BILL

To amend section 552 of title 5, United States Code, commonly known as the Freedom of Information Act, to provide for greater efficiency in providing public access to information and to provide for public access to information in an electronic format.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. INFORMATION MADE AVAILABLE IN ELEC-**  
4                       **TRONIC FORMAT AND INDEXATION OF**  
5                       **RECORDS.**

6       Section 552(a)(2) of title 5, United States Code, is  
7       amended—

1           (1) in the second sentence, by striking out “or  
2       staff manual or instruction” and inserting “staff  
3       manual, instruction, or copies of records referred to  
4       in subparagraph (D)”;

5           (2) by inserting before the period at the end of  
6       the 3rd sentence the following: “, and the extent of  
7       such deletion shall be indicated on the portion of the  
8       record which is made available or published”;

9           (3) by inserting after the 3rd sentence the fol-  
10      lowing: “If technically feasible, the extent of the de-  
11      letion shall be indicated at the place in the record  
12      where the deletion was made.”;

13          (4) in subparagraph (B), by striking “and”  
14      after the semicolon;

15          (5) by inserting after subparagraph (C) the fol-  
16      lowing:

17           “(D) copies of all records, regardless of form or  
18      format, which have been released to any person  
19      under paragraph (3) and which, because of the na-  
20      ture of their subject matter, the agency determines  
21      have become or are likely to become the subject of  
22      subsequent requests for substantially the same  
23      records; and

24           “(E) a general index of the records referred to  
25      under subparagraph (D);”;

1           (6) by inserting after the 5th sentence the fol-  
2           lowing: “Each agency shall make the index referred  
3           to in subparagraph (E) available by electronic means  
4           by December 31, 1999.”; and

5           (7) by inserting after the 1st sentence the fol-  
6           lowing: “For records created on or after November  
7           1, 1996, within one year after such date, each agen-  
8           cy shall make such records available by computer  
9           telecommunications or, if computer telecommuni-  
10          cations means have not been established by the  
11          agency, by other electronic means.”.

12 **SEC. 2. REPORT TO THE CONGRESS.**

13          Section 552(e) of title 5, United States Code, is  
14          amended to read as follows:

15          “(e)(1) On or before February 1 of each year, each  
16          agency shall submit to the Attorney General a report  
17          which shall cover the preceding fiscal year and which shall  
18          include—

19               “(A) the number of determinations made by the  
20               agency not to comply with requests for records made  
21               to such agency under subsection (a) and the reasons  
22               for each such determination;

23               “(B)(i) the number of appeals made by persons  
24               under subsection (a)(6), the result of such appeals,

1 and the reason for the action upon each appeal that  
2 results in a denial of information; and

3 “(ii) a complete list of all statutes that the  
4 agency relies upon to authorize the agency to with-  
5 hold information under subsection (b)(3), a descrip-  
6 tion of whether a court has upheld the decision of  
7 the agency to withhold information under each such  
8 statute, and a concise description of the scope of any  
9 information withheld;

10 “(C) the number of requests for records pend-  
11 ing before the agency as of September 30 of the pre-  
12 ceding year, and the median number of days that  
13 such requests had been pending before the agency as  
14 of that date;

15 “(D) the number of requests for records re-  
16 ceived by the agency and the number of requests  
17 which the agency processed;

18 “(E) the median number of days taken by the  
19 agency to process different types of requests;

20 “(F) the total amount of fees collected by the  
21 agency for processing requests;

22 “(G) the average amount of time that the agen-  
23 cy estimates as necessary, based on the past experi-  
24 ence of the agency, to comply with different types of  
25 requests; and

1           “(H) the number of full-time staff of the agen-  
2           cy devoted to processing requests for records under  
3           this section, and the total amount expended by the  
4           agency for processing such requests.

5           “(2) Each agency shall make each such report avail-  
6           able to the public through a computer network, or if com-  
7           puter network means have not been established by the  
8           agency, by other electronic means.

9           “(3) The Attorney General shall make each report  
10          which has been made available by electronic means avail-  
11          able at a single electronic access point. The Attorney Gen-  
12          eral shall notify the Chairman and ranking minority mem-  
13          ber of the Committee on Government Reform and Over-  
14          sight of the House of Representatives and the Chairman  
15          and ranking minority member of the Committees on Gov-  
16          ernmental Affairs and the Judiciary of the Senate, no  
17          later than April 1 of the year in which each such report  
18          is issued, that such reports are available by electronic  
19          means.

20          “(4) The Attorney General, in consultation with the  
21          Director of the Office of Management and Budget, shall  
22          develop reporting and performance guidelines in connec-  
23          tion with reports required by this subsection by October  
24          1, 1997, and may establish additional requirements for

1 such reports as the Attorney General determines may be  
2 useful.

3 “(5) The Attorney General shall submit an annual  
4 report on or before April 1 of each calendar year which  
5 shall include for the prior calendar year a listing of the  
6 number of cases arising under this section, the exemption  
7 involved in each case, the disposition of such case, and  
8 the cost, fees, and penalties assessed under subparagraphs  
9 (E), (F), and (G) of subsection (a)(4). Such report shall  
10 also include a description of the efforts undertaken by the  
11 Department of Justice to encourage agency compliance  
12 with this section.”.

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